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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,098	10/22/2003	Michael J. Wookey	30014200-1113	4762

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EXAMINER	
PHAM, MICHAEL	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,098	WOOKEY, MICHAEL J.	
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1. Claims 1 - 15 have been examined.

2. Claims 1 - 15 are pending.

3. Claims 1 - 15 are rejected as detailed below.

Priority

The application claims benefit to 60/469767 with filing date of 5/12/2003. Accordingly the application has been examined with an effective filing date of 5/12/2003.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **element 612 as described in the specification**. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description[1]: **element 710 in figure 7**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The specification is objected to for minor informality. On [0127] it appears that the first appearance of 622 was to have meant to be 620.

[1] Appears 0133 discloses but no reference to 710

2. The specification is objected to for minor informality. On [126] it appears what is meant is that step 616 is the validation step according to figure 6 and step 618 is the registering step. In [0126], it appears to suggest that 614 and 616 validate and register respectively.

3. The specification is objected to for minor informality. On [0135] it suggests that 720 is a validating step; however from figure 7 it appears 716 is the validating step.

4. The specification is objected to for minor informality. Application numbers missing for related cases listed.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, a computer readable medium defined in the specifications [0078], consists of a carrier wave. That is, the claim is not limited to embodiments, which fall within a statutory category.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-8, 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application publication 2002/0095399 by Devine et. al. (hereafter Devine).

Claim 1:

A method in a data processing system having a program, the method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled

(i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; **and**

publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 2:

The method of claim 1, wherein the data is not published with the datatype [0072, subscriber may specify that the entire spreadsheet or certain spreadsheet cells (i.e. data is not published with the subscription). If no subscription then data is not published to the subscriber (i.e. no data published.).].

Claim 4:

The method of claim 1, further comprising the step of: registering the datatype [0411, registering connected devices with a service; however the service must be available (i.e. the

service must be registered or made available)].

Claim 5:

The method of claim 1, further comprising the step of: registering the key [0390, indexed words and phrases (i.e. registering criteria)].

Claim 6:

The method of claim 1, wherein the metadata includes a plurality of different keys [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications. That is a metadata can consist of many different criteria.].

Claim 7:

A computer-readable medium containing instructions that cause a program in a data processing medium to perform a method comprising the steps of:

providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384,

metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; **and**

publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 8:

The computer-readable medium of claim 7, wherein the data is not published with the datatype [0072, subscriber may specify that the entire spreadsheet or certain spreadsheet cells (i.e. data is not published with the subscription). If no subscription then data is not published to the subscriber (i.e. no data published.).].

Claim 10:

The computer-readable medium of claim 7, further comprising the step of: registering the datatype [0411, registering connected devices with a service; however the service must be available (i.e. the service must be registered or made available)].

Claim 11:

The computer-readable medium of claim 7, further comprising the step of: registering the key [0390, indexed words and phrases (i.e. registering criteria)]..

Claim 12:

The computer-readable medium of claim 7, wherein the metadata includes a plurality of different keys [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications. That is a metadata can consist of many different criteria.]..

Claim 13:

A data processing system comprising:

a memory having a program that: provides a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges. 0055, data processors with memory.], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.], **and**

publishes the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.]; **and**

a processing unit that runs the program [abstract, program executes.].

Claim 14:

A data processing system comprising:

means for providing a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges. 0055, data processors with memory.], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.]; and

means for publishing the datatype, a subscriber receiving the datatype responsive to subscribing to the datatype and receiving the other datatypes that have the key in their respective metadata [0072, publisher publishes service. Subscriber receives the service of what it subscribes to. 0073, The culling and compilation data may be best affected by means of a data retrieval services to obtain data meeting specified criteria, and then directing the data thereby retrieved to a database. 0073, further stating the organization of the database is controlled by the data retrieval service subscriber.].

Claim 15:

A data structure comprising:

a datatype having a metadata that describes a data and a reference to the data [0543, data service contains metadata and metadata elements that can be assigned to particular cell ranges], **the data being maintained separately from the datatype** [0384, metadata stored in separate place from service data], **the metadata including a key that enables the datatype to be joined with other datatypes having the key in their respective metadata** [0064, service metadata describes data provided by service, and the subscriber uses an interface to this metadata to specify what should be used. 0073, a collection of data automatically culled (i.e. selection based on specified criteria) or compiled (i.e. joining or reorganization of culled data) from one or more data sources such as by example databases or a collection of computer files. 0073, further states the data warehouse then provides a convenient and secure source of data for certain specialized analysis and reporting applications.].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2002/0095399 by Devine et. al. (hereafter Devine) as applied to claims 1-2, 4-8, and 10-15 above, and further in view of U.S. Patent 6,021,443 by Bracho et. al. (hereafter Bracho).

Claim 3:

Devine discloses **the method of claim 1 however Devine does not explicitly disclose , wherein the reference to the data is a pointer.**

On the other hand, Bracho discloses an adsource reference pointing to an adsource (Figure 6b). This tells were certain events should be sent to (Col. 11 lines 56-61). That is, reference to the data is a pointer for mapping data.

Both inventions are directed towards publishing and subscribing systems. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Devine to have the reference to the data be a pointer based on the disclosure of Bracho for the purpose of mapping data to the correct system.

Claim 9:

Devine discloses **the computer-readable medium of claim 7; however Devine does not explicitly disclose , wherein the reference to the data is a pointer.**

On the other hand, Bracho discloses an adsource reference pointing to an adsource (Figure 6b). This tells were certain events should be sent to (Col. 11 lines 56-61). That is, reference to the data is a pointer for mapping data.

Both inventions are directed towards publishing and subscribing systems. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Devine to have the reference to the data be a pointer based on the disclosure of Bracho for the purpose of mapping data to the correct system.

Conclusion

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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